

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PEGGY BURNS

PLAINTIFF

V.

CIVIL ACTION NO. 3:25-CV-334-KHJ-MTP

MR. SIMS AUTOMOTIVE, LLC, et al.

DEFENDANTS

ORDER

Before the Court are two requests for arbitration: Defendant Credit Acceptance Corporation's [6] Motion to Compel Arbitration and Defendant Wynns Extended Care, Inc.'s [12] Motion to Compel Arbitration. Plaintiff Peggy Burns responded to the motions and conceded that arbitration is appropriate for this matter. Resp. [16]; Resp. [17].

Accordingly, Defendants' [6, 12] Motions to Compel Arbitration are GRANTED, and Burns is hereby ORDERED to submit her claims against Credit Acceptance Corporation and Wynns Extended Care, Inc., to arbitration pursuant to the agreement between the parties.

The remaining Defendant, Mr. Sims Automotive, LLC, was served on April 11, 2025. State Ct. Compl. [1-1] at 26. This Defendant has not answered or otherwise defended this action. And Burns has not moved for a clerk's entry of default or otherwise prosecuted this action against Mr. Sims Automotive, LLC. It is unclear whether Burns intends to pursue this action against this Defendant.

IT IS, THEREFORE, ORDERED that on or before August 4, 2025, Burns shall file a written statement setting forth why this action should not be dismissed against Mr. Sims Automotive, LLC, for failure to prosecute.

SO ORDERED, this the 21st day of July, 2025.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE